

REMARKS

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks. Claims 28-41 and 44-55 are pending in the application, with claims 28, 36, 40, 41, 45, 49, and 51 being the independent claims. The Applicants respectfully submit that the above amendments to the claims were made to further prosecution and/or to provide additional clarity to the claims. The Applicants reserve the right to pursue additional claims (including claims as previously presented) in future patent applications, such as continuation applications. The Applicants respectfully submit that these amendments introduce no new matter. Based on the above Amendments and the following Remarks, the Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

Interview Summary

On behalf of the Applicants, the undersigned wishes to express appreciation to Examiner Clow for the courtesies extended during the telephonic interview conducted on November 22, 2006. During the interview, potential amendments to the pending claims to address the outstanding rejections were discussed.

Information Disclosure Statement

The Examiner did not provide an indication that References 77 and 155 from the information disclosure statement filed on April 7, 2006 were considered by the Examiner. The Applicants note that Reference 77 cites to a publication dated 1995. The Applicants also note that Reference 155 cites to a publication dated 2001. The Applicants respectfully request that the Examiner consider References 77 and 155 as prior art for the purposes of this application and that the Examiner provide an indication that such references were considered by the Examiner. The Applicants, however, reserve the right to assert that References 77 and 155 are not prior art with respect to this application in this, or any future, proceeding.

Claims 41-48 As Amended Are Directed To Statutory Subject Matter

Claims 41-48 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 41 has been amended to recite “receiving mass spectral data associated with the test sample” and “if it is determined that the displacement is within an acceptable distance, certifying that the mass spectral data from the test sample is acceptable for analysis in the bioassay.” Similarly, independent claim 45 has been amended to recite “receiving mass spectral data associated with the test sample” and “if it is determined that the magnitude of the displacement is acceptable, certifying that the mass spectral data from the test sample is acceptable for analysis in the bioassay.” Support for these amendments can be found, for example, at paragraphs [0009], [0012], and [0028]. Accordingly, the Applicants respectfully submit that independent claims 41 and 45 and the claims that depend therefrom are directed to statutory subject matter.

The Claims As Amended Comply With The Written Description Requirement

Claims 28-54 were rejected under 35 U.S.C. § 112, 1st paragraph as failing to comply with the written description requirement. The claims have been amended to recite, for example, a “centroid in a model.” The Applicants respectfully submit that support for such amendments can be found, for example, at paragraph [0030]. Accordingly, the Applicants respectfully submit that the claims comply with the written description requirement.

Claim 41 As Amended Is Definite

Claim 41 was rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. As discussed above, claim 41 has been amended to recite a “centroid in a model.” Claim 41 has also been amended to recite “receiving mass spectral data associated with the test sample” and “if it is determined that the displacement is within an acceptable distance, certifying that the mass spectral data from the test sample is acceptable for analysis in the bioassay.” Accordingly, the Applicants respectfully submit that claim 41 as amended is definite.

CONCLUSION

All of the stated grounds of rejection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

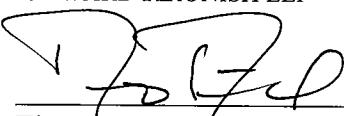
Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: December 19, 2006

Cooley Godward Kronish LLP
ATTN: Patent Group
The Bowen Building
875 15th Street, N.W., Suite 800
Washington, DC 20005-2221
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By:



Timothy D. Ford
Reg. No. 47,567